

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

May 2, 1997

UNITED STATES OF AMERICA)	
Complainant,)	
)	8 U.S.C. § 1324A Proceeding
v.)	
)	OCAHO Case No. 95A00156
C&K METALS, INC.)	
Respondent.)	

ORDER OF DISMISSAL-SETTLED

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA), in which the United States Department of Justice, Immigration and Naturalization Service (INS) is the complainant and C&K Metals, Inc. is the respondent. On November 3, 1995, INS filed a complaint consisting of four counts with the Office of the Chief Administrative Hearing Officer (OCAHO). An answer was timely filed on December 13, 1997.

On March 24, 1997, the parties filed a Joint Motion to Dismiss indicating that the settlement agreement was in the "final stages" and on April 14, 1997, a Settlement Agreement signed by both parties was filed which resolves all issues raised by the complaint.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure:

(a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:

(1) Submit to the presiding Administrative Law Judge:

- (i) The proposed agreement containing consent findings; and
- (ii) A proposed decision and order;

or (emphasis added)

(2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall

be subject to the approval of the Administrative Law Judge.

28 C.F.R. § 68.14.

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). I have reviewed the Settlement Agreement, and I find that its terms are appropriate pursuant to 28 C.F.R. § 68.14(a).

I further find that under the terms of the Agreement, and pursuant to 28 C.F.R. § 68.14:

1. Respondent has withdrawn its request for hearing on the merits,
2. this matter is dismissed with prejudice in that respondent will pay a civil monetary fine in the total amount of \$14, 500.00 with periodic payments to be made in the manner set forth in the Settlement Agreement,
3. it is appropriate to grant the Motion to Dismiss in the instant proceeding based upon the parties' notification made pursuant to 28 C.F.R. § 68.14(a)(2), and
4. the Complaint is dismissed.

SO ORDERED

Dated and entered this 2nd day of May, 1997.

Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby declare on this 2nd day of May, 1997, that I have served copies of the foregoing Order of Dismissal-Settled on the following persons at the addresses indicated:

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